

Underlined material is that portion being added.
[~~Strikethrough and bracketed~~] material is that portion being deleted.

BILL NO. _____

SUMMARY – An ordinance to amend Title 8 of the Clark County Code by amending Chapter 8.60 – Medical Marijuana Establishments to update County Code for changes made to state law by the 2019 Nevada State Legislature and regulations adopted by the Nevada Cannabis Compliance Board; and providing for other matters properly related thereto.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 8 OF THE CLARK COUNTY CODE BY AMENDING CHAPTER 8.60 – MEDICAL MARIJUANA ESTABLISHMENTS TO UPDATE COUNTY CODE FOR CHANGES MADE TO STATE LAW BY THE 2019 NEVADA STATE LEGISLATURE AND REGULATIONS ADOPTED BY THE NEVADA CANNABIS COMPLIANCE BOARD; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK,
STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. Title 8, Chapter 8.60 of the Clark County Code is hereby amended by
revising the title as follows:

Chapter 8.60 – Medical Cannabis [~~Marijuana~~] Establishments

SECTION TWO. Title 8, Chapter 8.60, Section 8.60.005 of the Clark County Code is
hereby amended to read as follows:

8.60.005 – Findings.

Underlined material is that portion being added.
~~[Strikethrough and bracketed]~~ material is that portion being deleted.

On November 7, 2000, the voters of the State of Nevada passed an initiative amending Article 4 of the Nevada Constitution to allow the use of cannabis ~~[marijuana]~~ for medicinal purposes. The 2013 Session of the Nevada State Legislation passed, and the Governor signed into law, Senate Bill 374 which amended NRS 453A by providing regulations to allow for medical marijuana establishments to operate within the State of Nevada for the purpose of providing medical marijuana to persons with certain medical conditions or to primary caregivers of such persons that have been issued a registry identification card by the Division of Public Health and Behavioral Health of the Nevada Department of Health and Human Services. NRS 678B ~~[453A]~~ requires compliance with any applicable zoning, building or business license requirements or regulations and NRS 678C requires that each medical cannabis ~~[marijuana]~~ establishment have an appearance, both as to the interior and exterior, that is professional, orderly, dignified and consistent with the traditional style of pharmacies and medical offices and that each medical cannabis ~~[marijuana]~~ establishment have discreet and professional signage that is consistent with the traditional style of signage for pharmacies and medical offices. ~~[NAC 453A (LCB File No. R004-14A, Section 51) requires that any sign or advertisement used by a medical marijuana establishment must be approved by the administrator of the Division of Public Health and Behavioral Health of the Nevada Department of Health and Human Services.]~~ The board of county commissioners desires to allow medical cannabis ~~[marijuana]~~ establishments to operate within the county to address the needs of persons allowed, under state law, to receive medical cannabis ~~[marijuana]~~.

During the 2019 Nevada State Legislative Session (AB 533) the statutes relating to marijuana were revised and moved from Chapters 453A and 453D of the NRS to Chapters 678A, 678B, 678C and 678D of the NRS. This legislation also created a Cannabis Compliance Board

Underlined material is that portion being added.

~~[Strikethrough and bracketed]~~ material is that portion being deleted.

and many of the duties are, as of July 1, 2020, transferred from the Nevada Department of Taxation to the Cannabis Compliance Board. AB 533 also created the Cannabis Advisory Commission for the purposes of studying issues related to, and making recommendations to the Cannabis Compliance Board regarding the regulation of, cannabis and any activity related to cannabis. On July 21, 2020, the Cannabis Compliance Board adopted new regulations (NCCR 1-14) that replaced Chapters 453A and 453D of the Nevada Administrative Code (NAC).

The federal law classifies marijuana as a Schedule I controlled substance under the Controlled Substance Act which states that substances in this schedule have a high potential for abuse, have no currently accepted medical use in treatment in the United States, and there is a lack of accepted safety for use of the drug or other substance under medical supervision. In a memo, dated August 29, 2013, from Deputy Attorney General James M. Cole to all United States attorneys ("the Cole memo"), guidance is provided regarding marijuana enforcement. The Cole memo outlines the following eight enforcement priorities that are of particular importance to the federal government:

- (a) Preventing the distribution of marijuana to minors;
- (b) Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
- (c) Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
- (d) Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;

Underlined material is that portion being added.

~~[Strikethrough and bracketed]~~ material is that portion being deleted.

- (e) Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
- (f) Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- (g) Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- (h) Preventing marijuana possession or use on federal property.

In the Cole memo, there is an expectation that states and local governments will implement strong and effective regulatory and enforcement systems that will address any threat to public safety, public health, and other law enforcement interests. Such systems must contain robust written controls and procedures that are effective in practice. Jurisdictions that have implemented strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale, and possession of marijuana, and conduct in compliance with those laws and regulations are less likely to threaten the federal priorities. A robust system may affirmatively address those priorities by, for example, implementing effective measures to prevent diversion of marijuana outside of the regulated system and to other states, prohibiting access to marijuana by minors, and replacing an illicit marijuana trade that funds criminal enterprises with a tightly regulated market which tracks and accounts for revenues. It is the board of county commissioners' intent to provide such a strong and effective regulatory and enforcement system to control the cultivation, distribution, sale and possession of marijuana for medicinal purposes and to be cognizant of the eight enforcement priorities in the Cole memo.

Underlined material is that portion being added.
~~[Strikethrough and bracketed]~~ material is that portion being deleted.

It is found and declared that the public health, safety and welfare of the inhabitants of the unincorporated areas of the county, require the regulation and control of all persons engaged in, associated with, or in control of, the business of medical cannabis ~~[marijuana]~~ establishments. All such persons, as defined in this chapter, shall be licensed and regulated so as to protect the public health, safety and general welfare of the inhabitants of the unincorporated areas of the county and to safeguard the public. It is further found and declared that the right to obtain such a license is a privilege and that the operation of such a medical cannabis ~~[marijuana]~~ establishment, when authorized by such license, is a privileged business subject to regulations, and that the license may be revoked for violation of the conditions of this chapter. In the event of a conflict with any of the provisions contained in any applicable chapter of Title 6 or 7 of the Clark County Code, the provisions of this chapter shall be controlling.

SECTION THREE. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.005 in its entirety and replacing it with a new definition as follows:

8.60.010.005 – Cannabis.

(a) “Cannabis” shall have the meaning ascribed to it in NRS 678A.085, which is the same meaning as ascribed to the term “marijuana” in NRS 453.096 and means:

(1) All parts of any plant of the genus *Cannabis*, whether growing or not;

(2) The seeds thereof;

(3) The resin extracted from any part of the plant, including concentrated cannabis; and

Underlined material is that portion being added.
[~~Strikethrough and bracketed~~] material is that portion being deleted.

(4) Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

(b) "Cannabis" does not include:

(1) Hemp, as defined in NRS 557.160, which is grown or cultivated pursuant to the provisions of Chapter 557 of NRS or any commodity or product made using such hemp; or

(2) The mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

SECTION FOUR. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.010 in its entirety and replacing it with a new definition as follows:

8.60.010.010 – Cannabis Compliance Board or Compliance Board.

“Cannabis Compliance Board” or “Compliance Board” means the Cannabis Compliance Board created by NRS 678A.350.

SECTION FIVE. Title 8, Chapter 8.60, Subsection 8.60.010.015 of the Clark County Code is hereby amended as follows:

8.60.010.015 – Cannabis cultivation [~~Cultivation~~] facility.

“Cannabis cultivation [~~Cultivation~~] facility” shall have the same meaning ascribed to it in NRS 678A.090 [~~453A.056~~] and means [~~a business that~~]:

Underlined material is that portion being added.

~~[Strikethrough and bracketed]~~ material is that portion being deleted.

- (a) A medical cannabis cultivation facility; or ~~[Is registered with the division pursuant to NRS 453A.322; and]~~
- (b) An adult-use cannabis cultivation facility. ~~[Acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells marijuana and related supplies to:
 - ~~(1) Medical marijuana dispensaries;~~
 - ~~(2) Facilities for the production of edible marijuana products or marijuana-infused products; or~~
 - ~~(3) Other cultivating facilities.]~~]~~

SECTION SIX. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.020 in its entirety and replacing it with a new definition as follows:

8.60.010.020 – Cannabis establishment.

“Cannabis establishment” shall have the same meaning ascribed to it in NRS 678A.095 and means:

- (a) A medical cannabis establishment; or
- (b) An adult-use cannabis establishment.

SECTION SEVEN. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.025 in its entirety and replacing it with a new definition as follows:

8.60.010.025 – Cannabis establishment agent.

“Cannabis establishment agent” shall have the meaning ascribed to it in NRS 678A.100 and means an owner, officer, board member, employee or volunteer of a cannabis establishment, an independent contractor who provides labor relating to the cultivation or processing of cannabis

Underlined material is that portion being added.
[~~Strikethrough and bracketed~~] material is that portion being deleted.

or the production of usable cannabis or cannabis products for a cannabis establishment or an employee of such independent contractor.

SECTION EIGHT. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.030 in its entirety and replacing it with a new definition as follows:

8.60.010.030 – Cannabis establishment agent registration card.

“Cannabis establishment agent registration card” shall have the same meaning ascribed to it in NRS 678A.105 and means a registration card that is issued by the Compliance Board pursuant to NRS 678B.340 to authorize a person:

- (a) To be an owner, officer or board member of a cannabis establishment; or
- (b) To volunteer or work at or contract to provide labor for a cannabis establishment.

SECTION NINE. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.035 in its entirety and replacing it with a new definition as follows:

8.60.010.035 – Cannabis establishment agent registration card for a cannabis executive.

“Cannabis establishment agent registration card for a cannabis executive” shall have the same meaning ascribed to it in NRS 678A.110 and means a registration card issued by the Compliance Board pursuant to NRS 678B.350.

SECTION TEN. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.040 in its entirety and replacing it with a new definition as follows:

8.60.010.040 – Cannabis independent testing laboratory.

Underlined material is that portion being added.
~~[Strikethrough and bracketed]~~ material is that portion being deleted.

“Cannabis independent testing laboratory” shall have the same meaning ascribed to it in NRS 678A.115 and means:

- (a) A medical cannabis independent testing laboratory; or
- (b) An adult-use cannabis independent testing laboratory.

SECTION ELEVEN. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.045 in its entirety and replacing it with a new definition as follows:

8.60.010.045 – Cannabis product.

“Cannabis product” shall have the same meaning ascribed to it in NRS 678A.120 and means:

- (a) A medical cannabis product; or
- (b) An adult-use cannabis product.

SECTION TWELVE. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.050 in its entirety and replacing it with a new definition as follows:

8.60.010.050 – Cannabis production facility.

“Cannabis production facility” shall have the same meaning ascribed to it in NRS 678A.125 and means:

- (a) A medical cannabis production facility; or
- (b) An adult-use cannabis production facility.

SECTION THIRTEEN. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.055 in its entirety and replacing it with a new definition as follows:

8.60.010.055 – Cannabis sales facility.

Underlined material is that portion being added.
~~[Strikethrough and bracketed]~~ material is that portion being deleted.

“Cannabis sales facility” shall have the same meaning ascribed to it in NRS 678A.130 and means:

- (a) A medical cannabis dispensary; or
- (b) An adult-use cannabis retail store.

SECTION FOURTEEN. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.060 in its entirety and replacing it with a new definition as follows:

8.60.10.060 – Commission.

“Commission” means the Cannabis Advisory Commission created by NRS 678A.300.

SECTION FIFTEEN. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.065 in its entirety and adding the following:

8.60.010.065 - Community facility.

"Community facility" means:

- (a) A facility that provides day care to children.
- (b) A public park.
- (c) A playground.
- (d) A public swimming pool.
- (e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
- (f) A church, synagogue, or other building, structure or place used for religious worship or other religious purpose.

Underlined material is that portion being added.
[~~Strikethrough and bracketed~~] material is that portion being deleted.

SECTION SIXTEEN. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.070 in its entirety and adding the following:

8.60.010.070 - County.

"County" means, unless otherwise indicated, the unincorporated areas of Clark County, Nevada.

SECTION SEVENTEEN. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.075 in its entirety and replacing it with a new definition as follows:

8.60.010.075 - Deliver or Delivery.

"Deliver" or "delivery" shall have the same meaning as ascribed to it in NRS 678A.140 which is the same meaning as ascribed to it in NRS 453.051 and means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

SECTION EIGHTEEN. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.080 in its entirety and adding the following:

8.60.010.080 - Department.

Department" means, unless otherwise indicated, the Department of Business License of Clark County, Nevada.

SECTION NINETEEN. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.085 in its entirety and adding the following:

Underlined material is that portion being added.
[~~Strikethrough and bracketed~~] material is that portion being deleted.

8.60.010.085 - Designated primary caregiver.

"Designated primary caregiver" shall have the meaning ascribed to it in NRS 678C.040 and means a person who:

- (a) Is 18 years of age or older;
- (b) Has significant responsibility for managing the well-being of a person diagnosed with a chronic or debilitating medical condition, as defined in NRS 678C.030; and
- (c) Is designated as such in the manner required pursuant to NRS 678C.270.

The term does not include the attending provider of health care, as defined in NRS 678C.010, of a person diagnosed with a chronic or debilitating medical condition.

SECTION TWENTY. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.090 in its entirety and adding the following:

8.60.010.090 - Division.

"Division" shall have the same meaning ascribed to it in NRS 678C.050 and means the Division of Public and Behavioral Health of the Nevada Department of Health and Human Services.

SECTION TWENTY-ONE. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.095 in its entirety and adding the following:

Underlined material is that portion being added.
~~[Strikethrough and bracketed]~~ material is that portion being deleted.

8.60.010.095 - Electronic verification system.

"Electronic verification system" shall have the meaning ascribed to it in NRS 678A.150 and means an electronic database that:

(a) Keeps track of data in real time; and

(b) Is accessible by the Compliance Board and by the cannabis establishment.

SECTION TWENTY-TWO. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.100 in its entirety and adding the following:

8.60.010.100 - Gross revenue.

"Gross revenue" means all revenue received by the medical cannabis establishment from sales, service and other business transactions, including the value of product or services traded in exchange for other products or services (i.e., bartering), minus deductions only for returns, refunds, and discounts, and excluding any sales tax or excise tax paid to the state.

SECTION TWENTY-THREE. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.105 in its entirety and adding the following:

8.60.010.105 - Inventory control system.

Underlined material is that portion being added.
[~~Strikethrough and bracketed~~] material is that portion being deleted.

"Inventory control system" shall have the same meaning as ascribed to it in NRS 678C.060 and means a process, device or other contrivance that may be used to monitor the chain of custody of cannabis from the point of cultivation to the end consumer.

SECTION TWENTY-FOUR. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by deleting Subsection 8.60.010.110 in its entirety and replacing it with a new definition as follows:

8.60.010.110 – Medical cannabis cultivation facility.

“Medical cannabis cultivation facility” has the same meaning as ascribed to it in NRS 678A.170 and means a business that:

- (a) Is licensed by the Compliance Board pursuant to NRS 678B.210; and
- (b) Acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells cannabis and related supplies to:
 - (1) Medical cannabis dispensaries;
 - (2) Medical cannabis production facilities; or
 - (3) Other medical cannabis cultivation facilities.

SECTION TWENTY-FIVE. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by adding the following:

8.60.010.115 - Medical cannabis dispensary.

Underlined material is that portion being added.
[~~Strikethrough and bracketed~~] material is that portion being deleted.

"Medical cannabis dispensary" shall have the meaning ascribed to it in NRS 678A.175 and means a business that:

- (a) Is licensed by the Compliance Board pursuant to NRS 678B.210 ; and
- (b) Acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses cannabis or related supplies and educational materials to the holder of a valid registry identification card, as defined in NRS 678C.080, or to another medical cannabis dispensary.

SECTION TWENTY-SIX. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by adding the following:

8.60.010.120 - Medical cannabis establishment.

"Medical cannabis establishment" shall have the meaning ascribed to it in NRS 678A.180 and means:

- (a) A medical cannabis independent testing laboratory;
- (b) A medical cannabis cultivation facility;
- (c) A medical cannabis production facility; or
- (d) A medical cannabis dispensary.

Underlined material is that portion being added.
~~[Strikethrough and bracketed]~~ material is that portion being deleted.

SECTION TWENTY-SEVEN. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by adding the following:

8.60.010.125 - Medical cannabis independent testing laboratory.

“Medical cannabis independent testing laboratory” shall have the meaning ascribed to it in NRS 678A.190, that is a facility described in NRS 678B.290 and that is licensed by the Compliance Board pursuant to NRS 678B.210 and tests cannabis intended for the medical use of cannabis and medical cannabis products; and pursuant to NRS 678B.290(2), a cannabis independent testing laboratory must be able to:

(a) Determine accurately, with respect to cannabis or cannabis products that are sold or will be sold at cannabis sales facilities in this State:

(1) The concentration therein of THC and cannabidiol.

(2) The presence and identification of microbes, molds and fungus.

(3) The composition of the tested material.

(4) The presence of chemicals in the tested material, including, without limitation, pesticides, heavy metals, herbicides or growth regulators.

(b) Demonstrate the validity and accuracy of the methods used by the cannabis independent testing laboratory to test cannabis and cannabis products.

SECTION TWENTY-EIGHT. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by adding the following:

Underlined material is that portion being added.
[~~Strikethrough and bracketed~~] material is that portion being deleted.

8.60.010.130 – Medical cannabis-infused product.

"Medical cannabis-infused product" shall have the meaning ascribed to it in NRS 678A.195 and means a product intended for the medical use of cannabis that:

- (a) Is infused with cannabis or an extract thereof; and
- (b) Is intended for use or consumption by humans through means other than inhalation or oral ingestion.

The term includes, without limitation, topical products, ointments, oils and tinctures.

SECTION TWENTY-NINE. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by adding the following:

8.60.010.135 – Medical cannabis product.

“Medical cannabis product” shall have the same meaning as ascribed to it in NRS 678A.200 and means:

- (a) A medical edible-cannabis product; or
- (b) A medical cannabis-infused product.

SECTION THIRTY. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by adding the following:

8.60.010.140 – Medical cannabis production facility.

Underlined material is that portion being added.
[~~Strikethrough and bracketed~~] material is that portion being deleted.

"Medical cannabis production facility" shall have the meaning ascribed to it in NRS 678A.205 and means a business that:

- (a) Is licensed by the Compliance Board pursuant to NRS 678B.210; and
- (b) Acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells medical cannabis products to medical cannabis dispensaries.

SECTION THIRTY-ONE. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by adding the following:

8.60.010.145 – Medical edible cannabis product.

"Medical edible cannabis product" shall have the meaning ascribed to it in NRS 678A.210 and means a product intended for the medical use of cannabis that:

- (a) Contains cannabis or an extract thereof;
- (b) Is intended for human consumption by oral ingestion; and
- (c) Is presented in the form of a foodstuff, extract, oil, tincture and other similar product.

SECTION THIRTY-TWO. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by adding the following:

8.60.010.150 - Medical use of cannabis.

Underlined material is that portion being added.
[~~Strikethrough and bracketed~~] material is that portion being deleted.

"Medical use of cannabis" shall have the meaning ascribed to it in NRS 678A.215 and means:

- (a) The possession, delivery, production or use of cannabis;
- (b) The possession, delivery or use of paraphernalia used to administer cannabis; or
- (c) Any combination of the acts described in subsections (a) and (b), as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of his or her chronic or debilitating medical condition, as defined in NRS 678C.030.

SECTION THIRTY-THREE. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by adding the following:

8.60.010.155 - Paraphernalia.

"Paraphernalia" shall have the meaning ascribed to it in NRS 678A.220 and means accessories, devices and other equipment that is necessary or useful for a person to engage in the medical use of cannabis or the adult use of cannabis.

SECTION THIRTY-FOUR. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by adding the following:

8.60.010.160 - Registry identification card.

"Registry identification card" shall have the meaning ascribed to it in NRS 678C.080 and means a document issued by the Division or its designee that identifies:

Underlined material is that portion being added.

~~[Strikethrough and bracketed]~~ material is that portion being deleted.

(a) A person who is exempt from state prosecution for engaging in the medical use of cannabis; or

(b) The designated primary caregiver, if any, of a person described in subsection (a).

SECTION THIRTY-FIVE. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by adding the following:

8.60.010.165 - THC.

"THC" shall have the meaning ascribed to it in NRS 678A.240, which has the same meaning as ascribed to it in NRS 453.139, and means:

(a) Delta-9-tetrahydrocannabinol;

(b) Delta-8-tetrahydrocannabinol; and

(c) The optical isomers of such substances.

SECTION THIRTY-SIX. Title 8, Chapter 8.60, of the Clark County Code is hereby amended by adding the following:

8.60.010.170 – Usable cannabis.

“Usable cannabis” shall have the same meaning as ascribed to it in NRS 678C.100 and means:

Underlined material is that portion being added.
[~~Strikethrough and bracketed~~] material is that portion being deleted.

- (a) The dried leaves and flowers of a plant of the genus *Cannabis*, and any mixture or preparation thereof, that are appropriate for the medical use of cannabis or the adult use of cannabis; and
- (b) The seeds of a plant of the genus *Cannabis*.

The term does not include the stalks and roots of the plant.

SECTION THIRTY-SEVEN. Title 8, Chapter 8.60, Section 8.60.020 of the Clark County Code is hereby amended as follows:

8.60.020 - Preliminary review for land use application.

Pursuant to Section 30.16.070 of the Code, prior to the owner of any property located within the County submitting a land use application for a special use permit for the operation of a medical cannabis [~~marijuana~~] establishment, the owner or operator of the proposed medical cannabis [~~marijuana~~] establishment must:

- (a) Submit the required forms and documents to the department of business license to conduct a review for the proposed use, and
- (b) Obtain written verification that all such forms and documents have been received from the department of business license.

This information will be accepted according to the application process requirements in Section 30.16.070 of the Code and public notice will be provided identifying the period in which the required forms and documents must be submitted.

Underlined material is that portion being added.
[~~Strikethrough and bracketed~~] material is that portion being deleted.

SECTION THIRTY-EIGHT. Title 8, Chapter 8.60, Section 8.60.030 of the Clark County Code is hereby amended as follows:

8.60.030 - Compliance with state and county laws and regulations.

Medical cannabis [~~marijuana~~] establishment licensees must comply with all applicable state and county laws, rules and regulations, including, but not limited to, NRS 678A, NRS 678B, NRS 678C, [~~453A~~], NCCR 1-14 [~~NAC 453A~~] and Chapters 6.04, 6.08 and 8.60 and Title 30 of the County Code.

SECTION THIRTY-NINE. Title 8, Chapter 8.60, Section 8.60.040 of the Clark County Code is hereby amended as follows:

8.60.040 - License required.

It is unlawful for anyone to operate a medical cannabis [~~marijuana~~] establishment without first obtaining a county business license. In order to obtain a business license, a special use permit must be obtained from the county comprehensive planning department and a medical cannabis [~~marijuana~~] establishment license [~~registration certificate or provisional registration certificate~~] must be obtained from the Compliance Board [~~division~~].

SECTION FORTY. Title 8, Chapter 8.60, Section 8.60.050 of the Clark County Code is hereby amended as follows:

8.60.050 - Application for a business license.

Underlined material is that portion being added.
~~[Strikethrough and bracketed]~~ material is that portion being deleted.

Upon the receipt of a ~~[provisional]~~ medical cannabis ~~[marijuana]~~ establishment license ~~[registration certificate]~~ from the Compliance Board ~~[division]~~, each proposed medical cannabis ~~[marijuana]~~ establishment to be located within the unincorporated areas of the county must apply for a county business license on forms approved by the director and provide such other information as the director may require including, but not limited to information to determine the eligibility and ability of the applicant to operate a medical cannabis ~~[marijuana]~~ establishment. The grounds for denial of an application for a business license are found in Section 8.60.250 of this Code.

SECTION FORTY-ONE. Title 8, Chapter 8.60, Section 8.60.060 of the Clark County Code is hereby amended as follows:

8.60.060 - Public safety inspections.

Prior to the issuance of a business license for a medical cannabis ~~[marijuana]~~ establishment, and thereafter annually, all of the applicable public safety inspections, including, but not limited to, building, fire, air quality and health, must be completed and any deficiencies or areas of concern corrected or resolved to the satisfaction of the inspecting agencies. Any required permits or approvals must be obtained and any associated fees must be paid by the medical cannabis ~~[marijuana]~~ establishment.

SECTION FORTY-TWO. Title 8, Chapter 8.60, Section 8.60.070 of the Clark County Code is hereby amended as follows:

8.60.070 - Suitability investigation.

Underlined material is that portion being added.
~~[Strikethrough and bracketed]~~ material is that portion being deleted.

The department may, in order to determine suitability, conduct a background investigation on anyone having a financial interest in a medical cannabis ~~[marijuana]~~ establishment including, but not limited to, a lender of funds or other assets.

SECTION FORTY-THREE. Title 8, Chapter 8.60, Section 8.60.080 of the Clark County Code is hereby amended as follows:

8.60.080 - Application fee.

For each application for a business license for a medical cannabis ~~[marijuana]~~ establishment, the applicant shall pay a one-time, nonrefundable application fee. The application fee shall be one thousand five hundred dollars for each application, unless an applicant submits applications at the same time for more than one medical cannabis ~~[marijuana]~~ establishment for the same location and the medical cannabis ~~[marijuana]~~ establishment is under the name of the same legal entity and the same ownership. The application fee for more than one medical cannabis ~~[marijuana]~~ establishment filed at the same time for the same location with the same legal entity and ownership shall be one thousand five hundred dollars for the first application and five hundred dollars for each additional application.

SECTION FORTY-FOUR. Title 8, Chapter 8.60, Section 8.60.090 of the Clark County Code is hereby amended as follows:

8.60.090 - License fees.

(a) Each medical cannabis ~~[marijuana]~~ establishment licensee, other than an independent testing laboratory licensee, shall pay:

(1) a quarterly license fee of:

Underlined material is that portion being added.

~~[Strikethrough and bracketed]~~ material is that portion being deleted.

- (A) One percent of the gross revenue that does not exceed one hundred fifty thousand dollars per calendar quarter year; and also
 - (B) Two percent of the gross revenue that exceeds one hundred fifty thousand dollars per calendar quarter year and does not exceed four hundred thousand dollars per calendar quarter year; and also
 - (C) Three percent of the gross revenue that exceeds four hundred thousand dollars per calendar quarter year; and
- (2) a quarterly fee of two hundred fifty dollars, if the medical cannabis ~~[marijuana]~~ establishment transfers or delivers medical cannabis ~~[marijuana]~~, medical edible cannabis ~~[marijuana]~~ products or medical cannabis-infused ~~[marijuana-infused]~~ products to another medical cannabis ~~[marijuana]~~ establishment with common ownership and no sales transaction occurs between the two medical cannabis ~~[marijuana]~~ establishments.
- (b) Each independent testing laboratory licensee shall pay a semiannual license fee which is determined by the schedule in Section 6.12.995 of the Code based on the amount of semiannual gross revenue. All such license fees shall be due and subject to any applicable late fees pursuant to Section 6.04.060 of this Code.
 - (c) All quarterly license fees are due on the last day of each calendar quarter. If the payment is received after fifteen days and before thirty days after the due date, ten percent of the total license fee due shall be assessed as a penalty charge. In addition to the above ten percent penalty, if the payment is received more than thirty days after the due date, a reinstatement fee of fifteen percent of the total license fee due shall be assessed. If reinstatement does not

Underlined material is that portion being added.

~~[Strikethrough and bracketed]~~ material is that portion being deleted.

occur within sixty days, the license shall be deemed expired and may be reinstated upon filing a request for reinstatement with the Director, a showing of good cause, and a payment of double license fees for the delinquent period as a penalty charge. If reinstatement does not take place within ninety days following the calendar quarter, the license is deemed terminated and any application for licensure shall be processed as a new license application rather than as a reinstatement and the licensee shall remain liable for the delinquent fees, including the double license fee penalty charge.

SECTION FORTY-FIVE. Title 8, Chapter 8.60, Section 8.60.100 of the Clark County Code is hereby amended as follows:

8.60.100 - Subject to investigation, inspection and audit.

All licenses are subject to the condition that the licensed premises may, without notice, be inspected for compliance with state and county laws and regulations. Department of business license investigators and agents have the right to enter the licensed premises for the purpose of investigation, inspection or audit of the operations, books and records. Licensees shall not refuse such right to enter the premises to inspect or investigate the premises, facilities, qualifications of personnel, methods of operations, policies and purposes of any medical cannabis ~~[marijuana]~~ establishment and of any person proposing to engage in the operation of a medical cannabis ~~[marijuana]~~ establishment or to audit the books and records. An inspection of a facility may include, without limitation, investigation of standards for public safety and may be conducted jointly with state and other local government agencies as well as law enforcement agencies.

Underlined material is that portion being added.
~~[Strikethrough and bracketed]~~ material is that portion being deleted.

SECTION FORTY-SIX. Title 8, Chapter 8.60, Section 8.60.110 of the Clark County Code is hereby amended as follows:

8.60.110 - Support businesses to medical cannabis ~~[marijuana]~~ establishments.

(a) Businesses located within unincorporated Clark County or that provide services within unincorporated Clark County and are not involved with the cultivation, production, dispensing or testing of cannabis ~~[marijuana]~~ or cannabis ~~[marijuana]~~ products that would require a medical cannabis ~~[marijuana]~~ establishment license ~~[registration certificate]~~ from the Compliance Board ~~[division]~~ or a medical cannabis ~~[marijuana]~~ establishment business license pursuant to this chapter, are required to apply for and obtain a county business license for a medical cannabis ~~[marijuana]~~ support business. The term "medical cannabis ~~[marijuana]~~ support business," as used in this chapter, means a business that:

- ~~[(a)]~~ (1) is required to obtain a Clark County business license pursuant to Titles 6, 7 or 8 of the Code;
- ~~[(b)]~~ (2) is engaged in medical cannabis ~~[marijuana]~~ support business activities in unincorporated Clark County; and
- ~~[(c)]~~ (3) more than fifty percent of the business's total annual revenue from all sales and services within Clark County is derived from providing medical cannabis ~~[marijuana]~~ products or services as described in this section.

(b) Medical cannabis ~~[marijuana]~~ support businesses provide products or services to licensed medical cannabis ~~[marijuana]~~ establishments and/or persons holding a valid registry identification card including, but not limited to:

Underlined material is that portion being added.
[~~Strikethrough and bracketed~~] material is that portion being deleted.

- (1) [~~a.~~] Security services;
- (2) [~~b.~~] Consulting services;
- (3) [~~c.~~] Insurance coverage for a medical cannabis [~~marijuana~~] establishment;
- (4) [~~d.~~] Accounting services;
- (5) [~~e.~~] Financial services;
- (6) [~~f.~~] Real estate services;
- (7) [~~g.~~] Vaporizer products;
- (8) [~~h.~~] Packaging and labeling supplies; and
- (9) [~~i.~~] Devices and other equipment that are necessary or useful for a person to engage in the medical use of cannabis [~~marijuana~~].

The department may, in order to determine suitability, conduct a background investigation on anyone having a financial interest in a medical cannabis [~~marijuana~~] support business including, but not limited to, a lender of funds or other assets. Support medical cannabis [~~marijuana~~] businesses that are required to obtain a county business license shall pay a semiannual license fee which is determined by the schedule in Section 6.12.995 of the code based on the amount of semiannual gross revenue of the licensee. All such license fees shall be due and subject to any applicable late fees pursuant to Section 6.04.060 of this Code.

SECTION FORTY-SEVEN. Title 8, Chapter 8.60, Section 8.60.120 of the Clark County Code is hereby amended as follows:

8.60.120 - Product testing and reports.

Underlined material is that portion being added.

~~[Strikethrough and bracketed]~~ material is that portion being deleted.

- (a) Upon the request of the department, a medical cannabis cultivation facility and a medical cannabis production facility ~~[for the production of edible marijuana products or marijuana-infused products]~~ must provide a sample of cannabis ~~[marijuana]~~ or cannabis ~~[marijuana]~~ products to a medical cannabis ~~[an]~~ independent testing laboratory designated by the Department for quality assurance compliance checks in a secure manner such that the laboratory can confirm that it has received and is testing the correct sample. The medical cannabis cultivation facility or medical cannabis production facility ~~[for the production of edible marijuana products of marijuana-infused products]~~ is responsible for all costs involved in screening and testing performed pursuant to this section.
- (b) A medical cannabis ~~[An]~~ independent testing laboratory must comply with all applicable laws, regulations and rules of NRS 678B ~~[453A]~~ and NCCR 1-14 ~~[NAC 453A]~~. The director may request reports from an independent testing laboratory on a random sample basis or on a test of specific samples or may request that certain samples of medical cannabis ~~[marijuana]~~, medical edible cannabis ~~[marijuana]~~ products or medical cannabis-infused ~~[marijuana-infused]~~ products from a medical cannabis cultivation facility or medical cannabis production facility be tested and a medical cannabis ~~[an]~~ independent testing laboratory shall provide such reports at no charge to the county.
- (c) The medical cannabis independent testing laboratory that receives a sample pursuant to subsection (a) shall, as directed by the department, perform any quality assurance test deemed necessary by the department and report the results to the director.

Underlined material is that portion being added.
~~[Strikethrough and bracketed]~~ material is that portion being deleted.

SECTION FORTY-EIGHT. Title 8, Chapter 8.60, Section 8.60.130 of the Clark County Code is hereby amended as follows:

8.60.130 - Sale or production of products.

It is unlawful for:

- (a) A medical cannabis ~~[An]~~ independent testing laboratory to sell, at retail or wholesale, any cannabis ~~[marijuana]~~, medical edible cannabis ~~[marijuana]~~ products or medical cannabis-infused ~~[marijuana-infused]~~ products to anyone;
- (b) A medical cannabis cultivation facility to sell any cannabis ~~[marijuana]~~ to anyone other than a licensed medical cannabis production facility ~~[for the production of edible marijuana products or marijuana-infused products]~~, a licensed medical cannabis ~~[marijuana]~~ dispensary or another licensed medical cannabis cultivation facility;
- (c) A medical cannabis production facility ~~[for the production of edible marijuana products or marijuana-infused products]~~ to sell any cannabis ~~[marijuana]~~, medical edible cannabis ~~[marijuana]~~ products or medical cannabis-infused ~~[marijuana-infused]~~ products to anyone other than a licensed medical cannabis ~~[marijuana]~~ dispensary or another licensed medical cannabis production facility ~~[for the production of edible marijuana products or marijuana-infused products]~~;
- (d) A medical cannabis production facility ~~[for the production of edible marijuana products or marijuana-infused products]~~ to:
 - (1) Produce cannabis-infused ~~[marijuana-infused]~~ beer, wine or spirits; or
 - (2) Compound cannabis ~~[marijuana]~~ with over the counter or prescription drugs;

Underlined material is that portion being added.

~~[Strikethrough and bracketed]~~ material is that portion being deleted.

(e) A medical cannabis [~~marijuana~~] dispensary to [∴

~~(1) — Sell medical marijuana, edible marijuana products or marijuana-infused products to another licensed medical marijuana dispensary; or~~

~~(2) To sell~~ Sell or provide to an individual other than a holder of a valid registry identification card:

~~(A)~~ (1) Medical cannabis [~~marijuana~~];

~~(B)~~ (2) Medical edible [~~Edible~~] cannabis [~~marijuana~~] products;

~~(C)~~ (3) Medical cannabis-infused [~~marijuana-infused~~] products; or

~~(D)~~ (4) Accessories, devices and other equipment that are necessary or useful for a person to engage in the medical use of cannabis [~~marijuana~~]; and

(f) A medical cannabis [~~marijuana~~] dispensary to sell products identified in subsection 8.60.130(e)(1)-(4) [~~8.60.130(e)(2)(A) — (D)~~] of this Code from a location other than at the licensed location of the dispensary or to make deliveries or allow others to make deliveries of any such products, except as allowed by a designated primary caregiver or pursuant to Section 8.60.140 of this Code.

SECTION FORTY-NINE. Title 8, Chapter 8.60, Section 8.60.140 of the Clark County Code is hereby amended as follows:

8.60.140 - Delivery of products.

Underlined material is that portion being added.

~~[Strikethrough and bracketed]~~ material is that portion being deleted.

A ~~[medical]~~ cannabis ~~[marijuana]~~ establishment agent authorized by the medical cannabis ~~[marijuana]~~ dispensary may deliver any of the products identified in subsection 8.60.130(e)(1)-(4) ~~[8.60.130(e)(2)(A)—(D)]~~ of this Code from the medical cannabis ~~[marijuana]~~ dispensary located within unincorporated Clark County to a resident of Clark County who is a patient or is the patient's designated primary caregiver and who holds a valid registry identification card only when the licensed medical cannabis ~~[marijuana]~~ dispensary:

(a) Before transportation:

- (1) Validates the resident's registry identification card with the electronic verification system;
- (2) Confirms verbally with the patient or designated primary caregiver by telephone that the patient or designated primary caregiver ordered the medical cannabis ~~[marijuana]~~, medical edible cannabis ~~[marijuana]~~ products, medical cannabis-infused ~~[marijuana-infused]~~ products or paraphernalia and verifies the identity of the patient;
- (3) Ensures that the quantity of product ordered does not exceed the limit for that patient pursuant to NRS 678C.440 ~~[453A.200]~~; and
- (4) Verifies that the address of the patient or his or her designated primary caregiver to which the delivery will be made is within the unincorporated areas of Clark County, or within a jurisdiction within Clark County that allows such deliveries subject to that jurisdiction's laws, regulations and rules.

(b) Upon delivery:

Underlined material is that portion being added.

~~[Strikethrough and bracketed]~~ material is that portion being deleted.

- (1) Delivers only to the address of the patient or the patient's designated primary caregiver that matches the address in the electronic verification system or on the registry identification card; and
- (2) Secures a signature from the patient or designated primary caregiver and may only leave the items with the patient or designated primary caregiver;
- (c) Complies with all other delivery and transportation regulations in NCCR 1-14 ~~[NAC 453A (LCB File No. R004 14A)]~~.

If the patient or designated primary caregiver is not present at the address when delivery is attempted, the medical cannabis ~~[marijuana]~~, medical edible cannabis ~~[marijuana]~~ products, medical cannabis-infused ~~[marijuana-infused]~~ products and paraphernalia must be returned to the medical cannabis ~~[marijuana]~~ dispensary.

No deliveries of cannabis ~~[marijuana]~~, paraphernalia, medical edible cannabis ~~[marijuana]~~ products or medical cannabis-infused ~~[marijuana-infused]~~ products may be made to a person other than a Nevada resident who holds a valid registry identification card.

SECTION FIFTY. Title 8, Chapter 8.60, Section 8.60.150 of the Clark County Code is hereby amended as follows:

8.60.150 - Transportation service for patients and designated primary caregivers.

A medical cannabis ~~[marijuana]~~ dispensary may provide transportation to and from the dispensary to a patient or designated primary caregiver who holds either a valid registry identification card or valid documentation as described ~~[a nonresident card as defined]~~ in NRS

Underlined material is that portion being added.
[~~Strikethrough and bracketed~~] material is that portion being deleted.

678C.470 [~~453A.364~~] that is not expired that matches the name on the cardholder's government-issued photo identification and the photo on the government-issued identification clearly matches the appearance of the patient or designated primary caregiver provided that there is no charge for this service and that the medical cannabis [~~marijuana~~] dispensary complies with all applicable rules and regulations of the Nevada Transportation Authority.

SECTION FIFTY-ONE. Title 8, Chapter 8.60, Section 8.60.160 of the Clark County Code is hereby amended as follows:

8.60.160 - Duties of licensee.

It is the affirmative duty of each holder of a medical cannabis [~~marijuana~~] establishment license to strictly comply with all of the applicable provisions of this Code and state statutes and regulations regulating medical cannabis [~~marijuana~~] establishments and, without limiting the generality of the foregoing, each holder of a medical cannabis [~~marijuana~~] establishment license must:

- (a) Maintain and conduct all activities upon the premises in a decent and respectful manner and shall not knowingly permit, within or upon the licensed premises, any use or consumption of any medical cannabis [~~marijuana~~], medical edible cannabis [~~marijuana~~] products or medical cannabis-infused [~~marijuana-infused~~] products, or permit any conditions that could cause disorder, disturbances, nuisances or other activities which endanger the health or safety of the patrons or disrupt the peace or order of the neighborhood;
- (b) Be responsible for the acts of his or her employees, agents and volunteers when they are performing their duties for the medical cannabis [~~marijuana~~] establishment;

Underlined material is that portion being added.

~~[Strikethrough and bracketed]~~ material is that portion being deleted.

- (c) Maintain adequate security to ensure compliance with the requirements of this chapter, NRS 678B and 678C ~~[453A]~~ and NCCR 1-14 ~~[NAC-453A]~~;
- (d) Operate and maintain the medical cannabis ~~[marijuana]~~ establishment in a professional, orderly and dignified manner that is consistent with the traditional style of pharmacies and medical offices;
- (e) Not promote or advertise the medical cannabis ~~[marijuana]~~ establishment in a manner that is inconsistent with the traditional style of advertising for pharmacies and medical offices;
- (f) ~~[Seek and obtain all necessary division approvals for signs and advertising;~~
- ~~(g)]~~ Comply with and adhere to all public safety requirements and conditions from any inspection agency, including, but not limited to, the fire department, department of environment and sustainability, building department and health district; and
- (g)~~(h)]~~ Remain qualified to hold a license pursuant to this chapter of the code and state law.

For the purposes of this section, "premises" means all portions of the building in which the licensee is located and over which it has control and that area or parking lot over which the licensee has ownership or contractual parking privileges.

SECTION FIFTY-TWO. Title 8, Chapter 8.60, Section 8.60.170 of the Clark County

Code is hereby amended as follows:

8.60.170 - Disposal of waste.

Underlined material is that portion being added.

~~[Strikethrough and bracketed]~~ material is that portion being deleted.

- (a) Medical cannabis ~~[marijuana]~~, medical edible cannabis ~~[marijuana]~~ products and medical cannabis-infused ~~[marijuana-infused]~~ products must be stored, secured and managed in accordance with all applicable state and county statutes, regulations, ordinances or other requirements.
- (b) Conservation of water is strongly encouraged and liquid waste from medical cannabis ~~[marijuana]~~ establishments shall be disposed of in accordance with all applicable federal, state and county laws, regulations, rules or other requirements.
- (c) Disposal of chemical, dangerous or hazardous waste must be conducted in a manner consistent with federal, state and county laws, regulations, rules and other requirements. This disposal may include, but is not limited to, the disposal of all pesticide or other chemicals used in the cultivation process, certain solvents or other chemicals used in the production of medical cannabis ~~[marijuana]~~ concentrate or any cannabis ~~[marijuana]~~ soaked in flammable solvent for purposes of producing a medical cannabis ~~[marijuana]~~ concentrate.
- (d) Solid waste generated from the cultivation of medical cannabis ~~[marijuana]~~ or the production of medical edible cannabis ~~[marijuana]~~ products or of cannabis-infused ~~[marijuana-infused]~~ products, including products that have exceeded the expiration date for sale, or from the testing of medical cannabis ~~[marijuana]~~ or medical cannabis ~~[marijuana]~~ products must be disposed of in such a manner as to make the waste unusable and unrecognizable and the disposal of medical cannabis ~~[marijuana]~~ waste must be documented in the inventory control system pursuant to the provisions in NCCR 1-14 ~~[NAC-453A]~~.

Underlined material is that portion being added.
[~~Strikethrough and bracketed~~] material is that portion being deleted.

SECTION FIFTY-THREE. Title 8, Chapter 8.60, Section 8.60.180 of the Clark

County Code is hereby amended as follows:

8.60.180 - Record keeping.

The medical cannabis [~~marijuana~~] establishment must maintain adequate and accurate books and records that provide a true accounting of all financial transactions, expenditures and control of inventory and prepare annual financial statements using generally accepted accounting principles. The director and any other officer designated by the director shall have the power and authority to enter any medical cannabis [~~marijuana~~] establishment at any time and have access to the books and records of such business for the purpose of ascertaining proper payment of license fees and compliance with all of the applicable provisions of the Clark County Code, NRS 678A, 678B, 678C [~~453A~~] and NCCR 1-14 [~~NAC 453A~~]. An audit of the financial statements and operations of the business may be conducted by the department and the information received from the licensee under the provisions of this section shall be deemed confidential and available only to those county officials concerned in such matters.

SECTION FIFTY-FOUR. Title 8, Chapter 8.60, Section 8.60.190 of the Clark County

Code is hereby amended as follows:

8.60.190 - Signs and advertising.

A medical cannabis [~~marijuana~~] establishment must comply with the requirements provided in Title 30 of the County Code, Chapters 678B and 678C [~~Chapter 453A~~] of NRS and NCCR 1-14 [~~Chapter 453A of NAC~~] regarding signs and advertising, and, in addition, shall not:

Underlined material is that portion being added.

~~[Strikethrough and bracketed]~~ material is that portion being deleted.

- (a) Use any advertising material that is misleading, deceptive, false, or that, as evidenced either by the content of the advertising material or by the medium or the manner in which the advertising is disseminated, is designed to appeal to minors;
- (b) Advertise or use any advertising material that has not been approved by the department ~~[division pursuant to NAC 453A (LCB File No. R004-14A, Section 51)]~~;
- (c) Advertise in a manner that is inconsistent with the medicinal use of medical cannabis ~~[marijuana]~~;
- (d) Use any advertising material that promotes medical cannabis ~~[marijuana]~~ for recreational or any other use other than for medicinal purposes;
- (e) Place or maintain, or cause to be placed or maintained, an advertisement for cannabis ~~[marijuana]~~, medical cannabis ~~[marijuana]~~, medical edible cannabis ~~[marijuana]~~ products or medical cannabis-infused ~~[marijuana-infused]~~ products in any form or through any medium whatsoever:
 - (1) Within one thousand feet of the perimeter of a community facility or a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12;
 - (2) On or in a public transit vehicle or public transit shelter; or
 - (3) On or in a publicly owned or operated property.

The restrictions set forth in subsection (e) of this section shall not apply to:

Underlined material is that portion being added.

~~[Strikethrough and bracketed]~~ material is that portion being deleted.

- (A) Any sign as defined in ~~[CCC]~~ Title 30 of the Code which is located on the same lot as the medical cannabis ~~[marijuana]~~ establishment, that exists for the purpose of identifying the location of the medical cannabis ~~[marijuana]~~ establishment, and otherwise complies with the state regulatory authority, the conditions of approval of the license, conditions of the approved special use permit and other applicable county laws and regulations; or
- (B) Advertising which is purely incidental to sponsorship of a charitable event by a medical cannabis ~~[marijuana]~~ establishment or recognition by a charitable event or organization of donations made by a medical cannabis ~~[marijuana]~~ establishment.

SECTION FIFTY-FIVE. Title 8, Chapter 8.60, Section 8.60.200 of the Clark County Code is hereby amended as follows:

8.60.200 - State license ~~[registration or provisional certificate]~~.

If the medical cannabis ~~[marijuana]~~ establishment license ~~[registration certificate or provisional certificate]~~ that is issued by the Compliance Board ~~[division]~~ to the medical cannabis ~~[marijuana]~~ establishment is suspended, revoked, non-renewed or relinquished, then the county business license will simultaneously and automatically be suspended, revoked, non-renewed or relinquished and the license must immediately be returned to the department.

Underlined material is that portion being added.
[~~Strikethrough and bracketed~~] material is that portion being deleted.

SECTION FIFTY-SIX. Title 8, Chapter 8.60, Section 8.60.210 of the Clark County

Code is hereby amended as follows:

8.60.210 - Change in ownership [~~or location~~].

NCCR 1-14 [~~NAC 453A (LCB File No. R004-14A)~~] requires that a cannabis [~~medical marijuana~~] establishment shall notify the Cannabis Board each time an ownership interest in any amount in the cannabis establishment is transferred. [~~must surrender its medical marijuana establishment registration certificate and reapply for a medical marijuana establishment registration certificate during the next request for applications issued by the division:~~

- ~~(a) Before all or substantially all of the assets of the medical marijuana establishment or before ten percent or more of the stock of the medical marijuana establishment are transferred; or~~
- ~~(b) Before any change in location of the medical marijuana establishment occurs. Prior to reapplying for a medical marijuana establishment registration certificate, the medical marijuana establishment must submit information and documents pursuant to Section 8.60.020 of this chapter and comply with Title 30 regarding land use applications for a special use permit.]~~

Any change in ownership of a medical cannabis [~~marijuana~~] establishment [~~that does not involve a transfer of all or substantially all of the assets of the medical marijuana establishment or involves a transfer of less than ten percent of the stock of a medical marijuana establishment~~] must be approved by [~~reported to~~] the department [~~on forms approved by the director~~] before any such change occurs.

Underlined material is that portion being added.
[~~Strikethrough and bracketed~~] material is that portion being deleted.

SECTION FIFTY-SEVEN. Title 8, Chapter 8.60 of the Clark County Code is hereby amended by adding a new section as follows:

8.60.215 – Change in location.

NCCR 6.065 allows a cannabis establishment to move to a new location under the jurisdiction of the same locality as its original location and regardless of the distance from its original location if the operation of the cannabis establishment at the new location has been approved by the locality. Prior to the cannabis establishment submitting a written request for relocation to the Compliance Board, the County must hold a public hearing for which written notice is given at least seven (7) working days before the hearing and subject to County approval. The medical cannabis establishment must submit information and documents pursuant to Section 8.60.020 of this chapter and comply with Title 30 of the Code regarding land use applications for a special use permit.

SECTION FIFTY-EIGHT. Title 8, Chapter 8.60, Section 8.60.220 of the Clark County Code is hereby amended as follows:

8.60.220 - Change in other information.

Changes in information previously provided to the department of business license by a medical cannabis [~~marijuana~~] establishment must be submitted to the department on forms approved by the director prior to the changes being made, including, but not limited to, any changes in the establishment's:

Underlined material is that portion being added.
[~~Strikethrough and bracketed~~] material is that portion being deleted.

- (a) Fictitious firm name;
- (b) Telephone number, mailing address or electronic mail address;
- (c) Business plan or operating plan;
- (d) Security plan;
- (e) Transportation plan;
- (f) Advertising plan; and
- (g) Any other changes essential to the operations of the medical cannabis [~~marijuana~~] establishment.

SECTION FIFTY-NINE. Title 8, Chapter 8.60, Section 8.60.230 of the Clark County Code is hereby amended as follows:

8.60.230 - Annual renewal of medical cannabis [~~marijuana~~] establishment business license.

A medical cannabis [~~marijuana~~] establishment license must be renewed each year following the renewal of its state license [~~registration certificate~~] with the Compliance Board [~~division~~]. In addition to the information required to be submitted to the Compliance Board [~~division~~] for the renewal of a medical cannabis [~~marijuana~~] establishment license [~~registration certificate~~] pursuant to NCCR 5.095 [~~NAC 453 (LCB File No. R004 14A, Section 36)~~], the medical cannabis [~~marijuana~~] establishment must also submit to the department of business license an updated business plan, evidence that the Compliance Board [~~division~~] has renewed its license [~~registration certificate~~] and a report on any benefit to or involvement in the local community, as

Underlined material is that portion being added.

~~[Strikethrough and bracketed]~~ material is that portion being deleted.

defined in Section 8.60.240 of this Code, that has occurred in the prior year. The information and documents required to be submitted to the department must be submitted no later than December 1 of each year. A medical cannabis ~~[marijuana]~~ establishment business license will expire each year on December 31 and any renewal of the license will commence on January 1 of the subsequent year.

SECTION SIXTY. Title 8, Chapter 8.60, Section 8.60.240 of the Clark County Code is hereby amended as follows:

8.60.240 - Local community benefit and involvement.

Providing benefit to and involvement in the local community by medical cannabis ~~[marijuana]~~ establishments is very desirable. One of the main goals of a medical cannabis ~~[marijuana]~~ establishment must be to provide patients that have a valid registry identification card access to medical cannabis ~~[marijuana]~~ for the purpose of treating their medical conditions. Benefit to the local community could include discounts to low-income patients and contributions to worthy causes. At the time of renewal for each medical cannabis ~~[marijuana]~~ establishment, a report is required to be submitted to the department pursuant to Section 8.60.230 of this Code.

SECTION SIXTY-ONE. Title 8, Chapter 8.60, Section 8.60.250 of the Clark County Code is hereby amended as follows:

8.60.250 - Denial of an application; suspension or revocation of a license.

Underlined material is that portion being added.

~~[Strikethrough and bracketed]~~ material is that portion being deleted.

(a) The department will deny an application or an application to renew a medical cannabis ~~[marijuana]~~ establishment business license if:

(1) The application or the medical cannabis ~~[marijuana]~~ establishment is not in compliance with any provision of this chapter, Chapters 678A, 678B or 678C ~~[Chapter 453A]~~ of NRS or NCCR 1-14 ~~[Chapter 453A of NAC]~~.

(2) An owner, officer or board member of the medical cannabis ~~[marijuana]~~ establishment:

(A) Is an employee or contractor of the department;

(B) Has an ownership or financial investment interest in a medical cannabis ~~[an]~~ independent testing laboratory and also is an owner, officer or ~~[of]~~ board member of a medical cannabis ~~[marijuana]~~ dispensary, cannabis cultivation facility or a cannabis production facility ~~[for the production of edible marijuana products or marijuana-infused products]~~; or

(C) Provides false or misleading information to the department.

(b) The department will revoke a medical cannabis ~~[marijuana]~~ establishment business license if the department receives formal notice from the Compliance Board ~~[division]~~ that the medical cannabis ~~[marijuana]~~ establishment has had its medical cannabis ~~[marijuana]~~ establishment license ~~[registration certificate]~~ terminated.

(c) The department may deny an application or an application to renew a medical cannabis ~~[marijuana]~~ establishment business license or may suspend or revoke any medical cannabis

Underlined material is that portion being added.

~~[Strikethrough and bracketed]~~ material is that portion being deleted.

~~[marijuana]~~ establishment business license issued under the provisions of this chapter upon the following grounds:

- (1) Violation by the applicant or the medical cannabis ~~[marijuana]~~ establishment of any of the provisions of this chapter, NRS 678A, 678B or 678C ~~[453A]~~ or NCCR 1-14 ~~[NAC 453A]~~.
- (2) An owner, officer or board member of the establishment has been convicted of an excluded felony offense as defined by NRS 678B.050;
- (3) The failure or refusal of an applicant or medical cannabis ~~[marijuana]~~ establishment to comply with any of the provisions of this chapter, NRS 678A, 678B or 678C ~~[453A]~~ or NCCR 1-14 ~~[NAC 453A]~~.
- (4) The failure or refusal of a medical cannabis ~~[marijuana]~~ establishment to carry out their policies and procedures or to be in compliance with the statements and representations provided to the department in the application of the medical cannabis ~~[marijuana]~~ establishment.
- (5) Operating a medical cannabis ~~[marijuana]~~ establishment without a medical cannabis ~~[marijuana]~~ establishment business license.
- (6) The failure or refusal to return an adequate plan of correction to the department within ten business days after receipt of a statement of deficiencies.
- (7) The failure or refusal to correct any deficiency specified by the department within the period specified in a plan of correction.
- (8) The failure or refusal to cooperate fully with an investigation, inspection or audit by the department.

Underlined material is that portion being added.

~~[Strikethrough and bracketed]~~ material is that portion being deleted.

- (9) The failure to comply with the provisions of this chapter regarding the payment of business license fees.
- (10) The failure to comply with any condition placed ~~[plae]~~ upon the medical cannabis ~~[marijuana]~~ establishment business license when the license was issued or any condition or requirement made by a public safety inspecting agency.
- (d) If the department denies an application for or an application to renew a medical cannabis ~~[marijuana]~~ establishment business license or suspends or revokes a medical cannabis ~~[marijuana]~~ establishment business license, the department must provide notice to the applicant or medical cannabis ~~[marijuana]~~ establishment that includes the specific reasons for the denial, suspension or revocation.
- (e) Before denying an application for or an application to renew a medical cannabis ~~[marijuana]~~ establishment business license or suspending or revoking a medical cannabis ~~[marijuana]~~ establishment business license as a result of the actions of an owner, officer or board member of the medical cannabis ~~[marijuana]~~ establishment pursuant to subsection (a)(1) or subsection (a)(2) of this section, the department may provide the medical cannabis ~~[marijuana]~~ establishment with an opportunity to correct the situation.
- (f) Any such denial, suspension or revocation shall become effective ten working days after the notification to the applicant or medical cannabis ~~[marijuana]~~ establishment has been given to the applicant or licensee. The notice shall be deemed delivered when physically hand-delivered to the applicant or an owner, officer or board member of the medical cannabis ~~[marijuana]~~ establishment, if hand-delivered, or on the date that the notification

Underlined material is that portion being added.
~~[Strikethrough and bracketed]~~ material is that portion being deleted.

was deposited with the U.S. Postal Service and mailed by certified mail, return receipt requested, to the address listed on the business license.

SECTION SIXTY-TWO. Title 8, Chapter 8.60, Section 8.60.270 of the Clark County Code is hereby amended as follows:

8.60.270 - Appeal of denial, suspension, revocation or nonrenewal.

An applicant or medical cannabis ~~[marijuana]~~ establishment that has received a notice from the department that his or her application for or application to renew a medical cannabis ~~[marijuana]~~ establishment business license or his or her medical cannabis ~~[marijuana]~~ establishment business license will be or has been denied, suspended or revoked may appeal such decision by filing a written objection with the Department within thirty calendar days of the notification.

If the written objection is not submitted within thirty calendar days of the notification, (1) the denial, suspension, revocation or nonrenewal of a license shall become final, and (2) the director of business license shall have the authority to take possession of the license, if any had been issued.

The written appeal shall include, at a minimum: (1) a copy of the department's notice of action or decision; and (2) a written statement detailing the applicant or licensee's arguments against each alleged act of noncompliance contained in the notice of denial, suspension, revocation, nonrenewal, or notice to appear to show cause.

Underlined material is that portion being added.
~~[Strikethrough and bracketed]~~ material is that portion being deleted.

Except for an emergency temporary suspension, once a written objection has been received by the department the appeal shall automatically stay such suspension or revocation pending the outcome of the appeal. A date will be set for the appeal to be heard by a hearing officer. If requested by the appellant or hearing officer, the department may grant a postponement to a later regularly scheduled hearing if such request is made in writing and for good cause. At least ten working days prior to the hearing date the applicant or licensee will be notified of the date, time and place of the hearing at which time the applicant or licensee may present his or her case regarding the denial, suspension, revocation or nonrenewal and may present documents and/or witnesses to support his or her position. The hearing officer shall hear the testimony of all witnesses and review all documents and exhibits submitted in the hearing proceeding by the parties. The hearing officer may affirm, reverse, or modify the action of the director. Following the hearing, the hearing officer will make a decision based on the facts presented and prepare a decision that will be sent to the applicant or licensee within five working days after the close of the hearing.

If the director of business license, or other person aggrieved is dissatisfied with the hearing officer's decision, he or she may file for a petition for judicial review with the district court.

SECTION SIXTY-THREE. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the remaining parts of this ordinance. It is the intent of the County Commission in adopting this ordinance that no portion or provision thereof shall become inoperative or fail by reason of any invalidity or unconstitutionality of any other portion or provision, and to this end all provisions of this ordinance are declared to be severable.

SECTION SIXTY-FOUR. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION SIXTY-FIVE. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the ____ day of _____, 2020.

PROPOSED BY: Commissioner _____

PASSED on the ____ day of _____, 2020.

AYES: _____

